

AMENDED IN ASSEMBLY APRIL 21, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2586

Introduced by Assembly Member Bloom

February 21, 2014

An act to add Section 218 to the Family Code, relating to family law proceedings.

LEGISLATIVE COUNSEL'S DIGEST

AB 2586, as amended, Bloom. Family law proceedings.

Existing law establishes the Civil Discovery Act, which governs the rules and procedures related to discovery in all civil cases, and specifies, among other things, the time for completion of discovery and the scope of discovery. Existing law generally requires discovery proceedings to be complete before the date initially set for the trial of the action. On motion of any party, existing law authorizes the court to grant leave to reopen discovery proceedings. Under existing law, the rules of practice and procedure applicable to civil actions generally apply to, and constitute the rules of practice and procedure in family law proceedings, except to the extent that any other statute or rules adopted by Judicial Council provide otherwise.

~~This bill would require any party to a postjudgment motion in specified family law proceedings to be entitled as a matter of right and without leave of the court to complete discovery proceedings on or before the 30th day, and to have motions concerning discovery heard on or before the 15th day, before the date the postjudgment proceeding is set for hearing or evidentiary trial, whichever is later. The bill would~~

~~limit the scope of discovery to only those issues raised in the postjudgment pleadings.~~

Before the commencement of a proceeding for modification or termination of an order for child, family, or spousal support, existing law establishes a procedure for limited postjudgment discovery in specified family law proceedings, by which either party ordered to pay support or the party to whom support was ordered to be paid is allowed to serve a request on the other party for the production of a completed current income and expense declaration.

This bill would require discovery to automatically reopen as to the issues raised in the pleadings when a request for order or other motion is filed and served after entry of judgment, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 218 is added to the Family Code, to read:
2 218. With respect to the ability to conduct formal discovery in
3 family law proceedings, when a request for order or other motion
4 is filed and served after entry of judgment, discovery shall
5 automatically reopen as to the issues raised in the pleadings. The
6 date initially set for trial of the action specified in subdivision (a)
7 of Section 2024.020 of the Code of Civil Procedure shall mean the
8 date the postjudgment proceeding is set for hearing or evidentiary
9 trial, whichever is later.

10 ~~SECTION 1. Section 218 is added to the Family Code, to read:~~
11 ~~218. With respect to the ability to conduct formal discovery in~~
12 ~~postjudgment family law proceedings, notwithstanding Section~~
13 ~~2024.020 or 2024.050 of the Code of Civil Procedure, upon the~~
14 ~~filing of a postjudgment motion after an entry of judgment in a~~
15 ~~dissolution of marriage, dissolution of domestic partnership, nullity~~
16 ~~of marriage, or legal separation of the parties, paternity, or after a~~
17 ~~permanent order in any other proceeding in which the issue of~~
18 ~~visitation, custody, or support of a child was considered, any party~~
19 ~~to the postjudgment motion is entitled, as a matter of right and~~
20 ~~without leave of the court, to complete discovery proceedings on~~
21 ~~or before the 30th day, and to have motions concerning discovery~~
22 ~~heard on or before the 15th day, before the date the postjudgment~~
23 ~~proceeding is set for hearing or evidentiary trial, whichever is later.~~

- 1 The scope of discovery shall be limited to only those issues raised
- 2 in the postjudgment pleadings.

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